

Tyndall AFB Preventive Law Program Series

Legal Assistance Series

SIMPLIFIED DISSOLUTION OF MARRIAGE IN FLORIDA

This handout contains basic information. If you have specific questions, come in to see a Judge Advocate for legal assistance.



OFFICE OF
THE STAFF JUDGE ADVOCATE 325 FW/JA
TYNDALL AFB, FL 32403

Simplified Dissolution of Marriage in Florida

Certain couples in Florida are eligible to dissolve their marriage by using a simplified procedure. This procedure is designed to allow couples to handle the dissolution themselves, without the use of an attorney. However, the couples are responsible for filing all of the required documents correctly, and *they are required to appear together* before a judge when the final dissolution is granted. Although the simplified dissolution procedure was created so that couples would not have to hire an attorney to have their marriage dissolved, either party (or both) may hire an attorney if he or she chooses to.

You may be eligible for the simplified dissolution of marriage procedure if you meet all of the following requirements:

- o Both you and your spouse have agreed to get divorced by this simplified method
- o Either you or your spouse have been a Florida resident for at least the prior six months
- o You have no children younger than 18 years of age
- o The wife is not currently pregnant
- o There is no request for alimony
- o Both you and your spouse agree that the marriage is irretrievably broken
- o Both you and your spouse agree on how to divide all of the property, debts, and bills

Because the simplified dissolution procedure is intended for relatively simple divorces, where there are no children involved and the parties can agree on the resolution of all issues related to the marriage in an amicable fashion, it is significantly different than the regular divorce procedure. In a regular dissolution, each spouse has the right to examine and cross examine the other spouse as a witness and to obtain documentary and other evidence concerning the other's income, assets, and liabilities before the case is tried or settled. When the simplified dissolution procedure is used, no financial information is required to be disclosed except for the financial affidavit.

A sample copy of the "Petition for Simplified Dissolution of Marriage" and accompanying instructions are included in this brochure. These materials are made available on-line by the Florida court system at www.firn.edu/supct/index.html. Contact the clerk of the closest circuit court to obtain a copy of the booklet entitled "Simplified Dissolution of Marriage" for more detailed information.

INSTRUCTIONS FOR FLORIDA FAMILY LAW RULES OF PROCEDURE FORM 12.901(a),
PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE

When should this form be used?

This form should be used when a husband and wife are filing for a simplified **dissolution of marriage**. You and/or your **spouse** must have lived in Florida for at least 6 months before filing for a dissolution in Florida. You may file a simplified dissolution of marriage in Florida if **all** of the following are true:

- You and your spouse agree that the marriage cannot be saved.
- You and your spouse have no minor or dependent child(ren) together and the wife is not now pregnant.
- You and your spouse have worked out how the two of you will divide the things that you both own (your **assets**) and who will pay what part of the money you both owe (your **liabilities**), and you are both satisfied with this division.
- You are not seeking support (**alimony**) from your spouse, and vice versa.
- Neither you nor your spouse wish to have any financial information other than that provided in the financial affidavits.
- You are willing to give up your right to **trial** and **appeal**.
- You and your spouse are both willing to go into the clerk's office to sign the petition (not necessarily together).
- You and your spouse are both willing to go to the **final hearing** (at the same time).

If you do not meet the criteria above, you must file a regular **petition** for dissolution of marriage.

This petition should be typed or printed in black ink. Each of you must sign the petition in the presence of a deputy clerk (in the clerk's office), although you do not have to go into the clerk's office at the same time. You will need to provide picture identification (valid driver's license or official identification card) for the clerk to witness your signatures.

What should I do next?

1. After completing this form, you should **file** the original with the **clerk of the circuit court** in the county where you live and keep a copy for your records. In addition to this petition, you must file the forms listed below.

- **Financial Affidavit**, ☐ Florida Family Law Rules of Procedure Form 12.902(b) or (c). (Each of you must complete a separate financial affidavit.)
- **Notice of Social Security Number**, ☐ Florida Supreme Court Approved Family Law Form 12.902(j). (Each of you must complete a separate notice.)
- **Marital Settlement Agreement**, ☐ Florida Family Law Rules of Procedure Form 12.902(f)(3). (You will complete one agreement together.)

2. You must prove to the court that the husband **and/or** wife has (have) lived in Florida for more

than 6 months before filing the petition for dissolution of marriage. Residence can be proved by:

- a valid Florida driver's license, Florida identification card, or voter registration card issued to one of you at least 6 months prior to filing for dissolution of marriage; or
- the testimony of another person who knows that either you or your spouse has resided in Florida for more than 6 months and is available to testify in court; or
- an **affidavit**. To prove residence by affidavit, use an **Affidavit of Corroborating Witness**, ☐ Florida Supreme Court Approved Family Law Form 12.902(i). This form must be signed by a person who knows that either you or your spouse has lived in Florida for more than 6 months before the date that you filed the petition for dissolution of marriage. This affidavit may be signed in the presence of the clerk of the court or in the presence of a **notary public**, who must affix his or her seal at the proper place on the affidavit.

3. You must pay the appropriate **filing fees** to the clerk of the circuit court. If you and your spouse cannot afford to pay the filing fees, you may ask the court to waive the filing fees. If requesting a waiver, you will need to fill out an **Affidavit of Indigency**, ☐ Florida Supreme Court Approved Family Law Form 12.902(a), and file it with your petition for dissolution of marriage.

4. Either you or the clerk of court will need to complete a civil cover sheet found in Form 1.997 of the Florida Rules of Civil Procedure. The clerk's office can provide this form.

5. You must obtain a date and time for a court appearance from the clerk of court. On that date, **you and your spouse must appear together before a judge**. You should complete a **Final Judgment of Simplified Dissolution of Marriage**, ☐ Florida Family Law Rules of Procedure Form 12.990(a), and bring it with you to the hearing. At that time, if all of the papers are in order, the judge may grant a final judgment dissolving your marriage under simplified dissolution of marriage procedures by signing the final judgment which you have provided.

6. **If you fail to complete this procedure, the court may dismiss the case to clear its records.**

Where can I look for more information?

Before proceeding, you should read "General Information for Self-Represented Litigants" found at the beginning of these forms. The words that are in "**bold underline**" in these instructions are defined there. For further information, see chapter 61, Florida Statutes, and Rule 12.105, Florida Family Law Rules of Procedure.

Special notes...

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a **Disclosure from Nonlawyer**, ☐ Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

_____,
Husband,
and

_____,
Wife.

PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE

We, {full legal name} _____, Husband,
and {full legal name} _____, Wife,
being sworn, certify that the following information is true:
[✍ fill in **all** blanks]

1. We are both asking the Court for a dissolution of our marriage.
2. Husband lives in {name} _____ County, {state} _____, and has lived there since {date} _____. Wife lives in {name} _____ County, {state} _____, and has lived there since {date} _____.
3. We were married to each other on {date} _____ in the city of {city} _____ in state of {state} _____, or country of {country} _____.
4. Our marriage is irretrievably broken.
5. Together, we have no minor (under 18) or dependent children **and** the wife is not pregnant.
6. We have made a marital settlement agreement dividing our assets (what we own) and our liabilities (what we owe). We are satisfied with this agreement. Our marital settlement agreement, ☐ Florida Family Law Rules of Procedure Form 12.902(f)(3), is attached. This agreement was signed freely and voluntarily by each of us and we intend to be bound by it.
7. We have each completed and signed financial affidavits, ☐ Florida Family Law Rules of Procedure Forms 12.902(b) or (c), which are attached to this petition.
8. Completed Notice of Social Security Number forms, ☐ Florida Supreme Court Approved Family Law Form 12.902(j), are filed with this petition.
9. [✓ **one** only] () yes () no Wife wants to be known by her former name, which was {full legal name} _____.

10. We each certify that we have not been threatened or pressured into signing this petition. We each understand that the result of signing this petition may be a final judgment ending our marriage and allowing no further relief.
11. We each understand that **we both must come to the hearing** to testify about the things we are asking for in this petition.
12. We understand that we each may have legal rights as a result of our marriage and that by signing this petition we may be giving up those rights.
13. We ask the Court to end our marriage and approve our marital settlement agreement.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of HUSBAND

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by
_____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or
deputy clerk .]

____ Personally known
____ Produced identification
____ Type of identification produced

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of WIFE

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA

COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

[Print, type, or stamp commissioned name of notary or deputy clerk.]

_____ Personally known

_____ Produced identification

_____ Type of identification produced

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW: [*do not* fill in **all** blanks]

I, {full legal name and trade name of nonlawyer} _____,
a nonlawyer, located at {street} _____, {city} _____,
{state} _____, {phone} _____, helped {name} _____,

[☒ **one** only] (☐) Husband (☐) Wife **or** (☐) both, fill out this form.